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R E M A R K S

On December 12, 2006 applicant filed an amendment. On March 12, 2007, following a telephone conversation with the Examiner, the undersigned faxed a new set of claims that amended claim 4. Apparently the Examiner initially thought that amending claim 4 (in a manner that did not change the scope of the claim) would place the case in condition for allowance, but the Examiner changed his mind, and the present FINAL Office Action followed.

Claim 4 was rejected under 35 USC 112, first paragraph, with the Examiner asserting that the clause "said NAV register being a sole register within a station that controls duration during which the stations refrain from transmitting" is not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors at the time the application was filed has possession of the claimed invention. The Examiner has not explained what about the quoted clause fails to "reasonably convey to one skilled in the relevant art that the inventors at the time the application was filed has possession of the claimed invention" and, therefore, on June 21, 2007 the undersigned held a brief telephone discussion with the Examiner, who informed the undersigned that the 35 USC 112, first paragraph issue focused on use of the term "sole."

In perusing the specification for support for this notion, applicant discovered that, actually, the specification does not mention registers, and though inherently the location in which the network allocation vector (NAV) must reside is some register, claim 4 is amended to remove references to a NAV register. Additionally, claim 4 is amended to specify that it is the NAV that controls when transmission is prohibited and when transmission is permitted, and claim 4 is also amended to explicitly state that the received RTS messages or CTS messages come from stations, and the term "station" included the APs.

Amended claim 4 is narrower than the original or the previously presented claim because it explicitly states what was not explicitly stated before. Since claim 4 is narrower than before, it follows that no new search is required.

Support for the limitation that is explicitly added in claim 4 is found in the specification. For example, in connection with the notion that the term "station" includes

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APs, the Examiner's attention is respectfully directed to paragraph [0031] where it is stated that "stations 160-1 and 160-3 are also access points (AP)." In connection with the notion that stations send RTS and CTS messages the Examiner's attention is respectfully directed to paragraph [0036] which discusses CTS and RTS signals.

This overcomes the 35 USC 112, first paragraph rejection.

Claims 4-9 were rejected under 35 USC 103 as being unpatentable over Cervello et al, US Patent Application Publication 2002/0071448 in view of Jayaraman, US Patent 6,963,549. Applicant respectfully traverses.

The rejection in the instant Office action is essentially a cut-and-paste copy of the rejection in the previous Office Action. Even though applicant had amended claim 4 and had argued that claim 4 is patentable, there is no evidence that the Examiner has considered either the amendments to claim 4, or applicant's arguments. I.e., the Examiner has not offered any reason why, in spite of the amendment to claim 4 and in view of applicant's arguments, the claims are still believed by the Examiner to be obvious in view of the cited reference.

Addressing the 35 USC 103 issue again in light of the current amendment to claim 4, applicant notes that the Cervello et al reference teaches use of a NAV, and an ONAV. The NAV is not updated by messages from all stations (including APs) but, rather, is updated only by stations in the same service area, while neighboring stations update the ONAV. Some consequences of this construction are presented in paragraph [0041] of the reference, which states in part:

That is, by having a non-zero NAV due to the reception of the CTS from STA_{1,1}, in the above example, STA_{2,1} will never initiate a frame transmission. However, if STA_{2,1} in the CFP under PCF, this RTS/CTS exchange will not be effective. This is a result of the fact that STA_{2,1} will set up its NAV at the beginning of the CFP of BSS₂, and the reception of the CTS will not update the NAV at all. Moreover, according to the 802.11 PCF mechanism, STA_{2,1} will transmit a frame if it has any data for transmission upon being polled by AP₂ irrespective of the value of its NAV.

Since the Cervello et al reference employs both an NAV and an ONAV, and the NAV alone does not insure that no transmissions occur, the claim 4 limitation of

Inhibit[ing] transmission by said station as long as the NAV indicates that the medium is in use, and permitting resumption of transmission when the NAV indicates other than that the medium is in use

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is clearly not met by the Cervello et al reference.

The Examiner cites the Jayaraman reference for its alleged teaching of the last clause of claim 1. Even if that were correct, and even if there was a reason to combine the two references, it still remains that the first clause that follows the preamble of claim 4 is not met by the combination of references and, therefore, claim 4 is not obvious in view of the Cervello et al and the Jayaraman combination of references.

Claims 5-9 depend on claim 4.

In light of the above amendments and remarks, applicant respectfully submits that all of the Examiner's rejections have been overcome. Reconsideration and allowance are respectfully solicited.

Respectfully,
Matthew J. Sherman

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